IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7955 OF 2004

Shri Gautam Govardhan Atpadkar & Ors. : Petitioners

V/s.

Shri Shrimant Babasaheb Golve & Ors. : Respondents

...

Mr.A.P.Mhatre for the petitioners.

None present for the respondents.

...

CORAM : S.A. BOBDE, J.

June 20, 2005.

P.C.:

1. The petitioner challenges the order of the IInd Addl. District Judge, Pandharpur. Admittedly, the petitioners had questioned the tenure of the trustees in pursuance of a change report no.154/97. This tenure which was for a period of five years expired long ago. Thereafter, a General Body meeting of the trust was again called and new trustees, including the respondent no.1 herein and ten others were elected and appointed as trustees. Change Report being Change Report no.288/2002 has also been submitted in that regard and is pending before the Asstt. charity Commissioner. The learned IInd Addl. District Judge has, therefore, held, and in my view, rightly that

the question regarding the validity of the appointment of Bapura Godase, since deceased, and Shantaram Dnyanu Kadam, Pratap Dhondiba Waghmare and Sou. Mangal Pandurang Godase loses its significance. It appears that the Asstt. Charity Commissioner has accepted the change in change report no.154/1997 by order dated 20.11.1998. In this view of the matter, the learned IInd Addl. District Judge has rightly interfered with the order of the Joint Charity Commissioner in remanding the matter back to the Asstt. Charity Commissioner in respect of an inquiry regarding change report no.154/1997 and has rightly set aside the same. The learned District Judge has also rightly observed that the revision application was filed before the Joint Charity Commissioner, Latur, after a long gap of five years.

2. There is no merit in the petition which is hereby dismissed.

S.A. BOBDE, J.